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UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

Eastern Division



Anita Washington )

Katherine Moore, et. al )

Plaintiffs, )

v. )

Mike Silver in his capacity as Director of )  
Training and Services )

Defendant )  
)  
)  
)  
)

Case No. 3:24 cv 835

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**COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS PURSUANT TO 42 U.S.C. § 1983**

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**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, as this case arises under the Constitution and laws of the United States, including 42 U.S.C. § 1983.

2. This Court has supplemental jurisdiction over related state law claims pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(2) because Plaintiff has lived here for over one year.

4. Diversity jurisdiction is also satisfied under 28 U.S.C. § 1332, as Plaintiff Anita Washington is a resident of Virginia, while Defendant Mike Silver is a North Carolina resident, with the amount in controversy exceeding \$75,000 for each plaintiff.

## **PARTIES**

### **PLAINTIFFS**

7. Katherine Moore (Plaintiff 3): Ms. Moore is a resident of Wake County, North Carolina, and the mother of a toddler, KM. She has faced judicial retaliation, financial destabilization, and procedural biases in her family court proceedings.

8. Amy Palacios (Urban) (Plaintiff 4): Ms. Palacios is a resident of Cabarrus County, North Carolina. Over a three-year period, she has been subjected to systemic judicial indifference, misconduct by opposing counsel, and denial of procedural justice while attempting to protect herself and her children from her abusive ex-partner, Brad Urban.

9. Ariel Offenbacher (Plaintiff 5): Ariel resides in Mecklenburg County, North Carolina and her case is in Davidson County, and she has faced systemic dismissal of evidence, lack of trauma-informed accommodations, and procedural failures in her family court case.

10. Edyta Hanna Basista (Plaintiff 6): Ms. Basista is a resident of Wake County, North Carolina. She has suffered relentless harassment, misuse of legal processes, and deliberate actions designed to exacerbate her trauma and financial instability.

### **DEFENDANT**

11. **Mike Silver:** Defendant Mike Silver is the Training and Services Director for the North Carolina Administrative Office of the Courts. As the official responsible for distributing and enforcing compliance with federal VAWA funding, Defendant Silver has failed to implement mandated trauma-informed and victim-centered practices, directly contributing to the harm suffered by Plaintiffs.

### **FACTS OF EACH PLAINTIFF'S CASE**

**Anita Washington** (Plaintiff 2) is a mother of 6 living in Lynchburg, Virginia, with a pending family court actions in North Carolina, a survivor of domestic violence, lost custody of a child after reporting abuse. Anita lost custody of her child to a man who was deemed medically sterile and likely not the child's biological father. DNA testing was conducted to determine paternity and the opposing party was found to be the father, however the opposing party's father and mother were also tested and while they share genetic markers with the father, they are of no biological relation to Anita's son. Anita was never served notice of an Ex-Parte hearing where the opposing party was granted custody and she was not allowed to introduce the DNA evidence. Washington lost custody after reporting abuse.

**Katherine Moore** (Plaintiff 3) is a mother from Wake County, North Carolina, has endured egregious judicial misconduct and systemic failures in her custody proceedings against Scott Mills. In March 2021, Ms. Moore sought a Domestic Violence Protective Order (DVPO) after Mr. Mills assaulted her while she was pregnant.

Ms. Moore recorded an audio file during a hospital visit, capturing a conversation with Mr. Mills and medical staff regarding the assault. Although the audio was initially admitted into evidence by Judge Bell of Wake County (who is currently the defendant in other actions), it was later

excluded after Ms. Moore played only three seconds of the hour-long recording. Judge Bell further barred Ms. Moore from submitting the corroborating medical records, claiming they were “unnecessary.”

In October 2023, Ms. Moore sought another DVPO to protect her daughter, KM, after evidence of potential abuse was discovered. Despite presenting medical records, testimony from a forensic nurse examiner, and statements from the father’s sister, Judge Braun denied the DVPO. Judge Braun’s findings were riddled with factual errors, including incorrect names, dates, and injuries, which rendered the order inadmissible in subsequent hearings.

Ms. Moore’s attempts to seek justice have been repeatedly thwarted by judicial retaliation.

Judges have impugned her credibility and imposed financial penalties without hearings.

**Amy Palacios** (Plaintiff 4) has spent over three years navigating the judicial system to protect herself and her children from her abusive ex-partner, Brad Urban. Despite repeated instances of documented abuse, including assault and threats of violence, Ms. Palacios has faced systemic failures, including the dismissal of protective orders and unethical conduct by opposing counsel, Jay White.

In December 2019, Ms. Palacios obtained a restraining order after Brad Urban assaulted her. Despite this, Mr. Urban was allowed unsupervised visitation with their children, putting them at risk of further harm. After reporting abuse lost custody of her older four of six children first ex-husband Matthew Bledsoe used same lawyer Jay White as Brad Urban. . Mother lost custody after reporting abuse.

Over the course of several hearings, Jay White misrepresented facts, harassed Ms. Palacios as a pro se litigant, and secured dismissals and continuances without legitimate grounds. The court consistently deferred to Mr. White, further denying Ms. Palacios due process. Jay White with

Hartsel and Williams was over DSS child welfare, DSS child support, county contract, the school board, and acting has top defense attorney for criminal law and private custody hearings.

In 2020-2021, Ms. Palacios was ordered to pay over \$15,000 in attorney fees for White and the GAL \$2,600, despite the court acknowledging that Mr. Urban was incompetent during criminal proceedings. This financial burden was imposed without a hearing, adding to Ms. Palacios' already significant distress and financial instability.

**Aerial Offenbacker** (Plaintiff 5) lives Mecklenburg County with a case in Davidson county. She and the hospital reported abuse and she lost custody after reporting abuse. Mother lost custody after reporting abuse.

**Edyta Basista** (Plaintiff 6) Mother is Wake county of two daughters. She is a victim of domestic violence who was improperly arrested and subjected to emotional trauma at the hands of opposing counsel as facilitated by a local magistrate. She is a mother lost custody after reporting abuse.

### **PRAYER FOR RELIEF**

1. Declaratory Judgment: Plaintiffs seek a declaratory judgment that Defendant violated their constitutional rights under the Fourteenth Amendment and failed to enforce federal mandates under VAWA. Such a declaration would affirm the systemic nature of the violations and provide clarity for future judicial accountability.

2. Injunctive Relief: Plaintiffs request an injunction requiring Defendants to enforce trauma-informed and victim-centered practices in North Carolina courts. This includes future court proceedings to be stayed for all plaintiffs effective immediately, training for all court and law enforcement personnel on the handling of domestic violence cases and regular audits to ensure compliance.

3. **Compensatory Damages of \$5,000,000.00.** Plaintiffs request compensatory damages for the profound emotional distress, financial harm, and loss of time with their children. Case law, such as Doe v. Baum, 903 F.3d 575 (6th Cir. 2018), underscores the constitutional violation caused by systemic failures in domestic violence cases, warranting substantial compensation for Plaintiffs' suffering.

4. **Punitive Damages of \$5,000,000.00.** Plaintiffs seek punitive damages to hold Defendant accountable and deter future violations. Courts have recognized the importance of punitive damages in cases of deliberate indifference, as highlighted in Smith v. Wade, 461 U.S. 30 (1983).

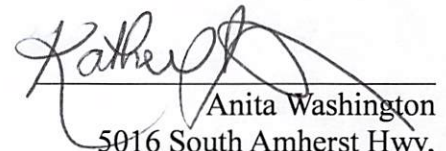
5. **Attorneys' Fees and Costs:** Plaintiffs request attorneys' fees and litigation costs pursuant to 42 U.S.C. § 1988, ensuring that they can pursue justice without further financial burden.

6. **Additional Relief:** Plaintiffs request any additional relief this Court deems necessary to rectify the systemic failures and prevent future harm to domestic violence survivors and their children.

**CERTIFICATE OF SERVICE**

**The undersigned hereby certified that a true copy of the foregoing COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS PURSUANT TO 42 U.S.C. § 1983, was mailed on this 20<sup>th</sup> day of November 20, 2024, to Mike Silver, Training and Services Director, North Carolina Administrative Office of the Courts at**

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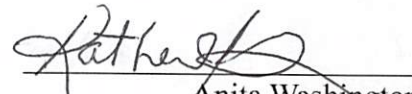
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